



Industry Research and Development (Carbon Capture Technologies Program) Instrument 2023

I, the Hon Chris Bowen MP, as delegate of the Minister for Industry and Science, make the following instrument.

Dated 31 October 2023

Chris Bowen
Minister for Climate Change and Energy

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1 Name

This instrument is the *Industry Research and Development (Carbon Capture Technologies Program) Instrument 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 33 of the *Industry Research and Development Act 1986*.

4 Definitions

In this instrument:

Act means the *Industry Research and Development Act 1986*.

Kyoto Protocol means the Kyoto Protocol to the United Nations Framework Convention on Climate Change, done at Kyoto on 11 December 1997, as in force for Australia from time to time.

Note: The Protocol is in Australian Treaty Series 2008 No. 2 ([2008] ATS 2) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Paris Agreement means the Paris Agreement, done at Paris on 12 December 2015, as in force for Australia from time to time.

Note: The Agreement is in Australian Treaty Series 2016 No. 24 ([2016] ATS 24) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

program: see subsection 5(1).

United Nations Framework Convention on Climate Change means the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992, as in force for Australia from time to time.

Note: The Convention is in Australian Treaty Series 1994 No. 2 ([1994] ATS 2) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

5 Prescribed program

- (1) For the purposes of subsection 33(1) of the Act, the Carbon Capture Technologies Program (the ***program***) is prescribed.
- (2) The program provides funding to support the research, development and demonstration of carbon dioxide capture and carbon dioxide utilisation technologies.
- (3) The purpose of the program is to:
 - (a) reduce greenhouse gas emissions to contribute to meeting Australia's greenhouse gas emission reduction obligations; and
 - (b) accelerate the research, development and demonstration of emerging and priority carbon dioxide capture and carbon dioxide utilisation technologies to:
 - (i) broaden the application of carbon capture, use and storage technologies to include hard-to-abate sectors (including the cement, chemicals and steel sectors), other non-energy industrial emissions and negative emissions technologies; and
 - (ii) assist in reducing the costs of such technologies.

6 Specified legislative power

For the purposes of subsection 33(3) of the Act, the powers of the Parliament to make laws with respect to the following are specified:

- (a) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth (within the meaning of paragraph 51(xx) of the Constitution);
- (b) external affairs (within the meaning of paragraph 51(xxix) of the Constitution) as it relates to measures that would assist Australia to meet its obligations under one or more of the following:
 - (i) the United Nations Framework Convention on Climate Change, particularly Article 4;
 - (ii) the Kyoto Protocol, particularly Article 10;
 - (iii) the Paris Agreement, particularly Article 4;
- (c) matters in respect of which this Constitution makes provision until the Parliament otherwise provides (within the meaning of paragraph 51(xxxvi) of the Constitution), together with section 96 of the Constitution;
- (d) the government of a Territory (within the meaning of section 122 of the Constitution).

7 Eligibility criteria relating to program

For the purposes of subsection 33(4) of the Act, the eligibility criteria relating to the program include the requirement that research, development and demonstration in relation to, or for the purposes of:

- (a) nature-based carbon sequestration;
 - (b) supporting fossil fuel production or fossil fuel energy generation; and
 - (c) supporting the extraction of coal or natural gas, including via enhanced petroleum recovery or other means;
- are not eligible activities for funding under the program.